

ALLEGED SHIPMENT: On or about July 28, 1952, by Ray Ewing Co., Inc., from Kansas City, Mo.

PRODUCT: 31 50-pound bags of swine mix at Des Moines, Iowa. Analysis showed that the product contained 50 percent of the declared amount of vitamin D.

LABEL, IN PART: "Ray Ewing Swine Mix * * * Contains Not Less Than: * * * Vitamin D-2, USP Units 400,000."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in whole or in part omitted or abstracted from the article.

Misbranding Section 403 (a), the label statement "Contains Not Less Than: * * * Vitamin D-2, USP Units 400,000" was false and misleading as applied to the article, which contained less than that amount of vitamin D.

DISPOSITION: October 10, 1952. Ray Ewing Co., Inc., Pasadena, Calif., claimant, having alleged that the deficiency of the product in vitamin D₂ content at the time of seizure was due to loss or dissipation by processes of oxidation after manufacture, but admitting that, at the time of seizure, the allegations of the libel were true, judgment of condemnation was entered.

The court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration, by reworking and remixing the product so as to add sufficient vitamin D₂ necessary to bring up such vitamin content in the product to the amount declared on the label.

FISH AND SHELLFISH

20122. Adulteration and misbranding of canned salmon. U. S. v. 75 Cases * * *. (and 1 other seizure action). (F. D. C. Nos. 23183, 23201. Sample Nos. 66763-H, 66768-H.)

LIBELS FILED: On or about June 17 and 18, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about April 16 and 23, 1947, by the United Food Specialty Co., from Detroit, Mich.

PRODUCT: 84 cases, each containing 48 cans, of salmon at Bronx, N. Y., and New York, N. Y.

LABEL, IN PART: (Cans) "Bumble Bee Brand Columbia River Fancy Chinook Salmon Net Contents 7 $\frac{3}{4}$ Oz. Packed By Columbia River Packers Assn., Inc. Astoria, Oregon."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), red salmon had been substituted in whole or in part for chinook salmon, which the article was represented to be.

Misbranding, Section 403 (a), the label designation "Columbia River Fancy Chinook Salmon" was false and misleading as applied to red salmon; and the label statement "Packed By Columbia River Packers Assn., Inc., Astoria, Oregon" was false and misleading since the article was not packed by that firm.

DISPOSITION: January 29, 1951. I. Ostrover & Sons, New York, N. Y., claimant, having consented to the entry of a decree and the libel actions having been consolidated, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling.

20123. Alleged adulteration and misbranding of oysters. U. S. v. J. Loren Sterling, Ira R. Howard, and Morris L. Milbourne (Milbourne Oyster

Co.). Pleas of not guilty. Tried to the court. Verdict of not guilty.
(F. D. C. No. 30095. Sample Nos. 40503-K, 66870-K, 67554-K.)

INDICTMENT RETURNED: March 27, 1951, District of Maryland, against J. Loren Sterling, Ira R. Howard, and Morris L. Milbourne, copartners, trading as the Milbourne Oyster Co., Crisfield, Md.

ALLEGED SHIPMENT: On or about November 20 and December 13 and 16, 1950, from the State of Maryland into the States of New York, Illinois, and Pennsylvania.

LABEL, IN PART: "Contents One Pint Milbourne's Delicious Salt Water Raw Oysters Distributed By Milbourne Oyster Co. Crisfield, Md. Oysters Standards."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to a portion of the article and mixed and packed with it so as to increase its bulk and weight and reduce its quality.

Misbranding, Section 403 (g) (1), a portion of the article failed to conform to the definition and standard of identity for oysters standards since the oysters in such portion were not thoroughly drained and were packed with an added substance, namely, water. Further misbranding, Section 403 (e) (2), the remainder of the article failed to bear a label containing an accurate statement of the quantity of the contents since the cans containing the article contained less than "One Pint," as declared on the label.

DISPOSITION: The defendants having entered pleas of not guilty, the case came on for trial before the court on February 6, 1952. The trial was concluded on February 7, 1952, at which time the court returned a verdict of not guilty.

20124. Adulteration of crabmeat. U. S. v. 73 Cans * * *. (F. D. C. No. 33596. Sample No. 21385-L.)

LIBEL FILED: August 15, 1952, Southern District of Texas.

ALLEGED SHIPMENT: On or about August 12, 1952, by the Pascagoula Crab Co., from Pascagoula, Miss.

PRODUCT: 73 1-pound cans of crabmeat at Houston, Tex. Examination showed that the product was contaminated with *E. coli* of fecal origin.

LABEL, IN PART: "Pascagoula Crab Co. All Lump Crab Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), the article was packed in an insanitary factory.

DISPOSITION: October 15, 1952. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

20125. Misbranding of canned cherries. U. S. v. 24 Cases * * *. (F. D. C. No. 32477. Sample No. 40511-L.)

LIBEL FILED: February 4, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about December 26, 1951, by the Western Oregon Packing Corp., from Corvallis, Oreg.

PRODUCT: 24 cases, each containing 24 cans, of cherries at Bronx, N. Y.

LABEL, IN PART: (Can) "Rose Festival Brand Net Weight 1 Lb. 13 Oz. Light Sweet Royal Anne Cherries In Light Syrup Below U. S. Standard Good Food—Not High Grade."